



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. 04-08

Subject of possible rule making: This rule will amend chapter 173-532 WAC, Water Resources Program for the Walla Walla Basin, WRIA 32. The amendment will include rule language setting instream flows/closures and may include tools for managing water in the Walla Walla basin. The watershed planning unit is looking at alternatives for water management; some of which may be included in the rule proposal.

(a) Statutes authorizing the agency to adopt rules on this subject: Chapter 90.82 RCW, Watershed Planning; Chapter 90.54 RCW, Water Resources Act of 1971; Chapter 90.22 RCW, Minimum Water Flows and Levels; Chapter 90.03 RCW, Water Code; Chapter 90.44 RCW, Regulation of Public Ground Waters, and Chapter 77.55 RCW Construction Projects in State Waters (Hydraulic Code).

(b) Reasons why rules on this subject may be needed and what they might accomplish: The possible adoption of these rule amendments is needed to protect instream values within the Walla Walla basin of Water Resources Inventory Area 32, including ESA listed fish (bull trout, steelhead).

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology has exclusive statutory authority under Chapter 90.22 RCW to establish minimum instream water flows and closures. Consultation will occur with the Washington Department of Fish and Wildlife and tribes. In establishing instream flows, RCW 90.03.247 directs Ecology "to consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of community, trade, and economic development, the department of agriculture, and representatives of the affected Indian tribes". We will also coordinate with the appropriate federal agencies and other state agencies.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) We will build on local efforts and draft rule language will be shared with the local Watershed

Planning Unit; WA Departments of Fish and Wildlife, Community, Trade & Economic Development, and Agriculture; tribes; and other interested parties. We will develop and distribute a focus sheet to mailing lists and email lists. We will hold a public hearing to solicit comments from interested parties.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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For the latest updates on Water Resources issues, including Walla Walla Basin rulemaking, sign up for the Department of Ecology Water Resources email list: <http://listserv.wa.gov/archives/water-resources.html> or check out the Water Resources website at: <http://www.ecy.wa.gov/programs/wr/wrhome.html>

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APR 5 2004

TIME 12:25 PM
WSR 04-08-061

NAME (TYPE OR PRINT)

Joe Stohr

SIGNATURE

JOE STOHR

TITLE

Water Resources Program Manager

DATE

April 1, 2004